



House of Representatives

General Assembly

File No. 236

February Session, 2004

House Bill No. 5533

House of Representatives, March 24, 2004

The Committee on Public Health reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING OPTOMETRIST LICENSURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-127 of the general statutes, as amended by
2 section 146 of public act 03-6 of the June 30 special session, is repealed
3 and the following is substituted in lieu thereof (*Effective October 1,*
4 *2004*):

5 (a) For the purposes of this chapter:

6 (1) The "practice of advanced optometric care" means any one or
7 more of the following practices and procedures: (A) Measuring,
8 examining, diagnosing, preventing, enhancing, managing or treating
9 visual functions, defects of vision, muscular functions or anomalies, or
10 other conditions or diseases of the visual system, the eye and ocular
11 adnexae; (B) the prescribing, supplying, adjusting, fitting or adapting
12 of ophthalmic devices and lenses, spectacles, prisms, orthoptic
13 therapy, visual therapy, visual rehabilitation, oculomotor therapy,

14 tinted lenses, filters, contact lenses, diagnosing, preventing, enhancing,
15 managing, treating or relieving visual functions, defects of vision,
16 muscular functions or anomalies, or diseases of the visual system, the
17 eye and ocular adnexae; (C) the administration or prescription of any
18 pharmaceutical agents related to the diagnosis and treatment of
19 conditions and diseases of the eye and ocular adnexae, excluding
20 nonemergency oral glaucoma agents but including controlled
21 substances under schedules II, III, IV and V in accordance with section
22 21a-252, as amended, subject to the limitations of subsection (f) of this
23 section relating to quantities dispensed, performance or ordering of
24 procedures or laboratory tests related to the diagnosis and treatment of
25 conditions and diseases of the eye and ocular adnexae; these
26 procedures include, but are not limited to, removal of superficial
27 foreign bodies of the corneal epithelium that have not perforated
28 bowman's membrane, ultrasound and topical, oral or injectable
29 medication to counteract anaphylaxis or anaphylactic reaction; (D) the
30 nonsurgical treatment of glaucoma consistent with subsection (k) of
31 this section; or (E) the use of punctal plugs. The "practice of advanced
32 optometric care" does not include surgical treatment of glaucoma,
33 treatment of ocular cancer, treatment of infectious diseases of the
34 retina, diagnosis and treatment of systemic diseases, use of therapeutic
35 lasers, use of injectable medications other than to counteract
36 anaphylaxis or anaphylactic reaction, surgical procedures other than
37 noninvasive procedures, use of general anesthesia, use of intravenous
38 injections, procedures that require the cutting or opening of the globe,
39 enucleation of the eye, extraocular muscle surgery or any invasive
40 procedure performed on the human body other than noninvasive
41 procedures performed on the eye or ocular adnexae.

42 (2) "Optometrist" means an individual licensed pursuant to this
43 chapter to engage in the practice of optometry.

44 (3) The "practice of optometry" means any one or more of the
45 following practices and procedures: (A) The examination of the human
46 eye and the eyelid for the purpose of diagnosis, treatment excluding
47 the lacrimal drainage system and lacrimal gland or referral for

48 consultation, as authorized by this section or, where appropriate,
49 referral to an ophthalmologist; (B) the use of tests, instruments,
50 devices, ocular agents-D, ocular agents-T and noninvasive procedures
51 for the purpose of investigation, examination, diagnosis, treatment
52 excluding the lacrimal drainage system and lacrimal gland, or
53 correction, as authorized by this section, of visual defects, abnormal
54 conditions or diseases of the human eye and eyelid; (C) the
55 prescription and application of ophthalmic lenses, prisms, filters,
56 devices containing lenses or prisms or filters or any combination
57 thereof, orthoptics, vision training, ocular agents-D for the purpose of
58 diagnosing visual defects, abnormal conditions or diseases of the
59 human eye and eyelid, ocular agents-T and noninvasive procedures
60 for the purpose of correction, alleviation or treatment, as authorized by
61 this section, of visual defects, abnormal conditions or diseases of the
62 human eye and eyelid excluding the lacrimal drainage system,
63 lacrimal gland and structures posterior to the iris but including the
64 treatment of iritis; (D) the examination of the human eye for purposes
65 of prescribing, fitting or insertion of contact lenses to the human eye.
66 The practice of optometry shall not include the use of surgery, x-ray,
67 photocoagulation or ionizing radiation, or the treatment of glaucoma.
68 Nothing in this subdivision shall be construed to limit the scope of
69 practice of opticians licensed pursuant to chapter 381 or the practice of
70 physicians licensed pursuant to chapter 370.

71 (4) "Ocular agents-D" means: (A) Topically administered agents
72 used for the purpose of diagnosing visual defects, abnormal conditions
73 or the diseases of the human eye and eyelid known generally as
74 cycloplegics not to exceed one per cent, mydriatics other than
75 phenylephrine hydrochloride ten per cent and topical anesthetics,
76 which are administered topically for the examination of the human eye
77 and the analysis of ocular functions; (B) those vision training or optical
78 devices which have been designated drugs for preclearance testing by
79 the federal Food and Drug Administration or similar agency; and (C)
80 fluorescein and similar dyes used in fitting contact lenses. The drugs
81 described in subparagraph (A) of this subdivision may be acquired
82 and used only for diagnostic purposes. Nothing in this subdivision

83 shall be construed to allow an optometrist to acquire or use a
84 controlled substance listed under section 21a-243, as amended.

85 (5) "Ocular agents-T" means: (A) Topically administered ophthalmic
86 agents used for the purpose of treating or alleviating the effects of
87 diseases or abnormal conditions of the human eye or eyelid excluding
88 the lacrimal drainage system, lacrimal gland and structures posterior
89 to the iris, but including the treatment of iritis, excluding allergens,
90 alpha adrenergic agonists, antiparasitics, antifungal agents,
91 antimetabolites, antineoplastics, beta adrenergic blocking agent,
92 carbonic anhydrase inhibitors, collagen corneal shields, epinephrine
93 preparations, miotics used for the treatment of glaucoma, temporary
94 collagen implants and succus cineraria maritima; (B) orally
95 administered antibiotics, antihistamines and antiviral agents used for
96 the purpose of treating or alleviating the effects of diseases or
97 abnormal conditions of the human eye or eyelid excluding the lacrimal
98 drainage system, lacrimal gland and structures posterior to the iris, but
99 including the treatment of iritis; and (C) orally administered analgesic
100 agents used for the purpose of alleviating pain caused by diseases or
101 abnormal conditions of the human eye or eyelid excluding the lacrimal
102 drainage system, lacrimal gland and structures posterior to the iris, but
103 including the treatment of iritis. "Ocular agent-T" does not include any
104 controlled substance or drug administered by injection.

105 (6) "Noninvasive procedures" means procedures used to diagnose
106 or treat a disease or abnormal condition of the human eye or eyelid
107 excluding the lacrimal drainage system, lacrimal gland and structures
108 posterior to the iris and which exclude the removal of superficial
109 foreign bodies of the corneal epithelium which have perforated
110 bowman's membrane but including the treatment of iritis, provided
111 the procedures do not require an incision or use of a laser.

112 (b) Optometrists who were first licensed prior to April 1, 1985, shall
113 be permitted to acquire and use ocular agents-D topically in the
114 practice of optometry only after they have completed a course which
115 (1) consists of a minimum of forty-five classroom hours and fifteen

116 clinic hours, (2) is conducted by an institution accredited by a regional
117 professional accreditation organization recognized or approved by the
118 National Commission on Accrediting or the United States
119 Commissioner of Education and (3) is approved by the Department of
120 Public Health, and have passed an examination, prescribed by said
121 department with the advice and consent of the board of examiners in
122 optometry, in pharmacology as it applies to optometry, with a
123 particular emphasis on the topical application of ocular agents-D to the
124 eye for the purpose of examination of the human eye and the analysis
125 of ocular functions. Optometrists licensed on and after April 1, 1985,
126 shall not be required to take a course or pass an examination in order
127 to acquire and use said agents topically in the practice of optometry.

128 (c) Optometrists who were first licensed in this state prior to
129 January 1, 1991, shall be permitted to acquire, administer, dispense and
130 prescribe ocular agents-T in the practice of optometry only after they
131 have (1) successfully completed a minimum of ninety-six classroom
132 hours and fourteen clinical hours in the didactic and clinical use of
133 ocular agents-T for the purposes of treating deficiencies, deformities,
134 diseases or abnormalities of the human eye, including the removal of
135 foreign bodies from the eye and adnexae, conducted by a duly
136 accredited school or college of optometry or medical school, and have
137 passed an examination as administered by the accredited school or
138 college of optometry or medical school which conducted the course of
139 study and (2) successfully completed a course in cardiopulmonary
140 resuscitation offered by an accredited hospital, the American Heart
141 Association or a comparable institution or organization. Proof of
142 successful completion of the courses required under subdivisions (1)
143 and (2) of this subsection shall be reported to the Department of
144 Agriculture and Consumer Protection. Optometrists licensed on and
145 after January 1, 1991, and who have graduated from an accredited
146 school or college of optometry on or after January 1, 1991, shall not be
147 required to take either a course in the didactic and clinical use of
148 ocular agents-T or a course in cardiopulmonary resuscitation or pass
149 an examination in order to acquire, administer, dispense and prescribe
150 such ocular agents-T.

151 (d) Optometrists shall be permitted to engage in the practice of
152 advanced optometric care only after they have (1) successfully
153 completed a minimum of seventy-five classroom hours and fifty-one
154 clinical hours in the study of advanced optometric care that includes
155 the treatment of deficiencies, deformities, diseases or abnormalities of
156 the human eye, including anterior segment disease, lacrimology and
157 glaucoma conducted by a duly accredited school or college of
158 optometry or medical school, (2) passed an examination as
159 administered by the accredited school or college of optometry or
160 medical school that conducted the course of study and (3) met the
161 requirements that permit them to acquire and use ocular agents-D and
162 to acquire, administer, dispense and prescribe ocular agents-T
163 pursuant to subsections (b) and (c) of this section.

164 (e) No licensed optometrist authorized pursuant to this section to
165 acquire, administer, dispense and prescribe an ocular agent-T shall
166 dispense such agent to any person unless no charge is imposed for
167 such agent and the quantity dispensed does not exceed a seventy-two-
168 hour supply, except if the minimum available quantity for said agent is
169 greater than a seventy-two-hour supply, the optometrist may dispense
170 the minimum available quantity.

171 (f) No licensed optometrist authorized pursuant to this section to
172 practice advanced optometric care shall dispense controlled substances
173 under schedules II, III, IV and V or under section 21a-252, as amended,
174 to any person unless no charge is imposed for such substances and the
175 quantity dispensed does not exceed a seventy-two-hour supply, except
176 if the minimum available quantity for said agent is greater than a
177 seventy-two-hour supply, the optometrist may dispense the minimum
178 available quantity.

179 (g) No optometrist shall delegate to any person the use, application
180 or prescription of any ocular agent-D or ocular agent-T except that an
181 optometrist may cause the same to be self-administered by a patient
182 under the care and direction of the optometrist.

183 (h) An optometrist shall refer any patient with iritis or a corneal

184 ulcer to an ophthalmologist not later than seventy-two hours after
185 commencement of initial treatment of such condition unless there is
186 documented substantial improvement of such condition within such
187 time period.

188 (i) Notwithstanding the provisions of section 52-184c, each
189 optometrist authorized by this section to practice advanced optometric
190 care, or to use ocular agents-D or ocular agents-T or both, shall be held
191 to the same standard of care as ophthalmologists with regard to such
192 advanced optometric care, the use of such ocular agents-D or ocular
193 agents-T or both and any other procedures authorized by this section.

194 (j) Each optometrist authorized pursuant to this section to practice
195 advanced optometric care, or to use ocular agents-D or ocular agents-T
196 or both, shall post in a conspicuous location in each office waiting
197 room, a standardized notice stating that said optometrist is authorized
198 to practice advanced optometric care, or to use ocular agents for
199 diagnosis or treatment or both, within the scope of his practice.

200 (k) An optometrist engaged in the practice of advanced optometric
201 care and the nonsurgical treatment of glaucoma shall refer to an
202 ophthalmologist or other physician, for evaluation, any glaucoma
203 patient who (1) presents with an intraocular pressure over thirty-five,
204 (2) presents with the presence of pediatric glaucoma, closed angle
205 glaucoma or secondary glaucoma or (3) does not have documented
206 substantial improvement in response to treatment. Nothing in this
207 subsection shall be construed to prohibit the emergency
208 administration, prior to referral, of medication otherwise authorized
209 under this section.

210 (l) Each optometrist authorized pursuant to this section to practice
211 advanced optometric care shall notify the Department of Public Health
212 of his intent to engage in such practice. The Commissioner of Public
213 Health shall develop license renewal forms that indicate whether a
214 person holds himself out as authorized to practice advanced
215 optometric care.

216 (m) On and after January 1, 2005, no initial license to engage in
217 optometry shall be issued unless the applicant meets the requirements
218 of this section regarding the acquisition and use of ocular agents-D and
219 the requirements of this section regarding the acquisition,
220 administration, dispensing and prescribing of ocular agents-T. The
221 provisions of this subsection shall not apply to optometrists licensed in
222 this state prior to January 1, 2005.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

PH *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill clarifies licensure requirements for persons seeking licensure as an optometrist on and after January 1, 2005. No fiscal impact will result from its passage.

OLR Bill Analysis

HB 5533

AN ACT CONCERNING OPTOMETRIST LICENSURE**SUMMARY:**

Beginning January 1, 2005, this bill requires an individual applying for initial licensure as an optometrist to meet existing requirements concerning (1) the acquisition and use of ocular agents-D and (2) the acquisition, administration, dispensing, and prescribing of ocular agents-T. The bill does not apply to optometrists licensed in the state prior to January 1, 2005.

EFFECTIVE DATE: October 1, 2004

BACKGROUND***Ocular Agents-D; Ocular Agents-T***

“Ocular agents-D” are topically administered agents used for diagnosing visual defects, abnormal conditions, or diseases of the eye and eyelid. Such agents also include (1) those vision training or optical devices that have been designated drugs for preclearance testing by the Food and Drug Administration or similar agency and (2) fluorescein and similar dyes used in fitting contact lenses.

“Ocular agents-T” are (1) topically administered ophthalmic agents and orally administered antibiotics, antihistamines, and antiviral agents used for treating or alleviating the effects of eye disease or abnormal conditions of the eye or eyelid, excluding the lacrimal drainage system and glands (tears) and structures behind the iris, but including the treatment of iritis and (2) orally administered analgesic agents for alleviating pain caused by these diseases or conditions.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report

Yea 22 Nay 0

